

# Senate File 28 - Introduced

SENATE FILE \_\_\_\_\_  
BY SCHOENJAHN

(COMPANION TO LSB 1168HH  
BY FICKEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the ballot proposition for approving issuance  
2 of county general obligation bonds and including effective  
3 date, validation, and retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1168SS 83  
6 sc/rj/14

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1 Section 1. Section 331.442, subsection 2, Code 2009, is  
2 amended to read as follows:  
3 2. Before the board may institute proceedings for the  
4 issuance of bonds for a general county purpose, it shall call  
5 a county special election to vote upon the question of issuing  
6 the bonds. At the election the proposition shall be submitted  
7 in the following form:

1 8 Shall the county of ....., state of Iowa, ~~be authorized~~  
~~1 9 to ..... (state purpose of project) at a total cost not~~  
~~1 10 exceeding \$... and~~ issue its general obligation bonds in an  
1 11 amount not exceeding the amount of \$... for ~~that the~~ purpose  
1 12 of .....?

1 13 Sec. 2. Section 331.447, subsection 1, paragraph b, Code  
1 14 2009, is amended to read as follows:

1 15 b. The amount estimated and certified to apply on  
1 16 principal and interest for any one year may only exceed the  
1 17 statutory rate of levy limit, if any, by the amount that the  
1 18 registered voters of the county have approved at a special  
1 19 election, which may be held at the same time as the general  
1 20 election and may be included in the proposition authorizing  
1 21 the issuance of bonds, if an election on the proposition is  
1 22 necessary, or may be submitted as a separate proposition at  
1 23 the same election or at a different election. Notice of the  
1 24 election shall be given as specified in section 331.305. If  
1 25 the proposition includes issuing bonds and increasing the levy  
1 26 limit, it shall be in substantially the following form:

1 27 Shall the county of ....., state of Iowa, be authorized  
1 28 to ..... (here state purpose of project) ~~at a total cost~~  
~~1 29 not exceeding \$.... and~~ issue its general obligation bonds  
1 30 in an amount not exceeding the amount of \$.... for that  
1 31 purpose, and be authorized to levy annually a tax not  
1 32 exceeding ... dollars and ... cents per thousand dollars of  
1 33 the assessed value of the taxable property within the county  
1 34 to pay the principal of and interest on the bonds?

1 35 If the proposition includes only increasing the levy limit  
2 1 it shall be in substantially the following form:

2 2 Shall the county of ....., state of Iowa, be authorized to  
2 3 levy annually a tax not exceeding ... dollars and ... cents  
2 4 per thousand dollars of the assessed value of the taxable  
2 5 property within the county to pay principal and interest  
2 6 on the bonded indebtedness of the county for the purpose  
2 7 of .....

2 8 Sec. 3. VALIDATION AND RETROACTIVE APPLICABILITY == BOARD  
2 9 RESOLUTION.

2 10 1. If, on the effective date of this Act, the cost of a  
2 11 project authorized by ballot proposition that approved the  
2 12 issuance of county general obligation bonds at an election  
2 13 held prior to the effective date of this Act does not exceed  
2 14 one hundred ten percent of the project cost stated on the

2 15 ballot proposition, the bond issuance amount and tax levy  
2 16 authorization as stated on the ballot and the increased cost  
2 17 of the project are hereby legalized and validated and, to that  
2 18 extent, this Act applies retroactively to the date of the  
2 19 election.

2 20 2. The board of supervisors of a county may proceed with a  
2 21 project under subsection 1 only after adoption of a resolution  
2 22 stating the project's compliance with the conditions of  
2 23 subsection 1 and the board's intention to proceed with the  
2 24 project.

2 25 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
2 26 immediate importance, takes effect upon enactment.

2 27 EXPLANATION

2 28 This bill modifies the ballot proposition language relating  
2 29 to issuance of county general obligation bonds to remove the  
2 30 requirement that the total cost of the project be stated on  
2 31 the ballot, in addition to the amount of the bond issuance for  
2 32 which approval is being sought at election.

2 33 The bill legalizes and validates the issuance of general  
2 34 obligation bonds approved at an election held prior to the  
2 35 effective date of the bill, with respect to the amount of the  
3 1 bond issuance stated on the ballot proposition, if the project  
3 2 cost on the effective date of the bill does not exceed 110  
3 3 percent of the project cost stated on the ballot proposition,  
3 4 and, to that extent, the bill applies retroactively to the  
3 5 date of the election. A county board of supervisors is  
3 6 required to adopt a resolution stating project compliance and  
3 7 its intention to proceed with the project.

3 8 The bill takes effect upon enactment.

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